



TEXAS ALCOHOLIC BEVERAGE COMMISSION

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Dick Durbin, Administrator

August 18, 1992

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Opinion Committee

The Honorable Dan Morales
Attorney General
P.O. Box 12548
Capitol Station
Austin, Texas 78711-2548

Attn: Opinion Committee

Dear Mr. Morales:

A Commissioner of the Texas Alcoholic Beverage Commission has recently expressed a desire to attend Commission meetings by use of live video transmission. The proposed arrangement would enable a Commissioner who is unable to be physically present at a meeting to be recorded live with video equipment and televised for both the public and the other Commissioners at the meeting to see and observe. The Commissioner would also be able to see and observe both the other Commissioners and the public with equipment set up in his or her office. We would appreciate your expedited opinion with respect to whether this arrangement would violate the Texas Open Meetings Act, Vernon's Tex. Civ. Stat. Ann. § 6252-17.

In Attorney General Opinion No. JM-584, the Attorney General opined that meeting by teleconference, without the assistance or benefits of live video transmission, violated the Texas Open Meetings Act. The chief ground for that conclusion was that members of the public would be unable to observe the demeanor of the board member who was not physically present. The opinion also noted that questions of identity of the participant could arise. A meeting facilitated by live video transmission would not present these problems.

If you have any questions pertaining to this matter, please do not hesitate to contact me.

Sincerely,

Don E. Walden
Attorney at Law
Legal Division
(512) 458-2500, ext. 760

DEW/br

cc: The Honorable Renee Higginbotham-Brooks
The Honorable Roy Orr
The Honorable Neal S. Manne